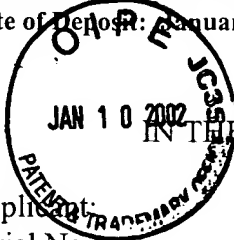


Express Mail No. EV0542983 US  
Date of Deposit: January 10, 2002

Attorney Docket No. 19282-025



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon C.R. Bennett  
Serial No.: 09/844,216  
Filing Date: April 30, 2001  
Title: DATA PACKET DISCARDING  
Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

TRANSMITTAL LETTERS

Sir:

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Enclosed herewith for filing in the above-identified patent application please find the following listed items:

1. Information Disclosure Statement,
2. PTO Form 1449;
3. Copy of Cited References; and
4. Return Postcard.

In connection with the foregoing matter, please charge any additional fees which may be due, or credit any overpayment, to Deposit Account Number 50-0311, Reference 19282-025.

A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,

Shane H. Hunter  
Registration No. 41,858  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center,  
Boston, Massachusetts 02111  
Telephone 617/348-1765

Date: January 10, 2002

Express Mail No. EV054298525US  
Date of Deposit: January 10, 2002



Attorney Docket No. 19282-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon C.R. Bennett  
Serial No.: 09/844,216  
Filing Date: April 30, 2001  
Title: DATA PACKET DISCARDING  
Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

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Commissioner for Patents and Trademarks  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 and 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants requests consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. §1.97  
(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:  
(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application.
3. ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

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B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(Check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that (Check a or b below)
  - a. ☒ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.  
No fee is required.
  - b. ☐ no item of Information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.  
No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:

(Check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry,

was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A petition requesting consideration of the Information Disclosure Statement is attached.
3. The petition fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II: Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified): no non-English language references have been submitted at this time.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

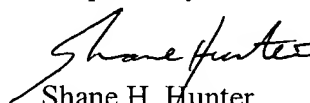
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,



Shane H. Hunter  
Registration No. 41,858  
Attorneys for Applicant  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center,  
Boston, Massachusetts 02111  
Telephone 617-542-6000

Date: January 10, 2002

Express Mail No.: EV054298525US  
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Page 1 of 1

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PTO/SB (12-97)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Serial Number</b>	09/844,216		
				<b>Filing Date</b>	April 30, 2001		
				<b>First Named Inventor</b>	Jon C.R. Bennett		
				<b>Group Art Unit</b>	Not Yet Assigned		
				<b>Examiner Name</b>	Not Yet Assigned		
				<b>Attorney Docket Number</b>	19282-025		
<b>U.S. PATENT DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>U.S. Patent Document No.</b>	<b>Issue Date</b>	<b>Name of Patentee(s) or Applicant(s)</b>	<b>Class</b>	<b>Sub Class</b>	<b>Filing Date If Appropriate</b>
		5,748,629	05/05/98	Caldara et al.	370	389	

<b>FOREIGN PATENT DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>Foreign Patent Document Office</b>	<b>Number</b>	<b>Name of Patentee(s) or Applicant(s)</b>	<b>Date of Publication</b>	<b>Translation Yes No</b>	

<b>OTHER NON PATENT LITERATURE DOCUMENTS</b>		
<b>Exam Initials</b>	<b>Cite No.</b>	<b>Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.</b>
		Endo, et al., Large Scale Enterprise ATM Node with per-VC Traffic Control; Computer Networks; 31 (1999) 617-625.
		Notification of Transmittal of The International Search Report or the Declaration, mailed 14/12/01.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

<b>Examiner Signature</b>		<b>Date Considered</b>	
---------------------------	--	------------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.

TRA 1615850v1

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